

SENATE BILL 392
By Ketron

AN ACT to amend Tennessee Code Annotated, Title 2, relative to
recounts in certain elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 8, is amended by adding the
following as a new, appropriately designated section:

2-8-____

(a) In any election held in this state where the person with the most votes and the
next closest candidate are within one-tenth (1/10) of one percent (1%), there shall be an
automatic recount of all votes cast in such election. The provisions of this section shall
apply to elections for governor, members of the general assembly, United States
senator, and members of the United States house of representatives and to any county
election.

(b)

(1) In elections contested in a single county, the recount shall commence
after the certification by the county election commission pursuant to § 2-8-101.

(2) In elections contested in more than one county, the recount shall
commence upon written certification by the coordinator of elections that the

unofficial results appear to require a recount pursuant to subsection (a) of this section.

(3) Upon the completion of the vote tabulation on election night, county election commissions shall report unofficial results to the coordinator of elections in a form prescribed by the coordinator.

(c) Upon commencement of a recount, the county election commission shall inspect the ballots in the following manner:

(1) The votes cast on lever machines or electronic DRE machines shall be recanvassed; and

(2) Paper ballots, optical scan ballots, and punchcard ballots shall be recounted by hand pursuant to the standards set out in § 2-7-133.

(d) Upon completion of the recount, the county election commission shall prepare a recount certification in the same manner as the certification required in §§ 2-8-101 through 2-8-106. This recount certification shall be completed no later than seven (7) days after the deadline for the original certification. The deadline for the recount certification in multicounty districts or statewide races shall be determined by the state election commission.

SECTION 2. Tennessee Code Annotated, Section 2-17-103(b), is amended by deleting the words and punctuation “ten (10) days after the election” and substituting instead the words and punctuation “seven (7) days after the certification of the election”.

SECTION 3. Tennessee Code Annotated, Section 2-17-105, is amended by deleting the words and punctuation “ten (10) days after the election” and substituting instead the words and punctuation “seven (7) days after the certification of the election”.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.